

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
JEFFREY A. BEARD, et al., :
Defendants : NO. 02-CV-2949

SUPPLEMENT TO DEFENDANTS' MOTION FOR STAY PENDING APPEAL

Defendants supplement their Memorandum of Law in Support of their Motion For Stay Pending Appeal with the following point.

The case cited as Jones v. Brown, 461 F.3d 353 (3d Cir. 2006), included the case captioned Allah, et al. v. Codey, et al., Court of Appeals No. 04-4426, in which the New Jersey officials were the appellants. In the Allah case, the district court had ordered "that Defendants immediately cease and desist the practice of opening inmates' legal mail outside of their presence." 351 F. Supp. 2d 278, 283 (D.N.J. 2004). New Jersey moved to stay that order pending disposition of its appeal. According to the Court of Appeals docket, on March 22, 2005, a motions panel of the Court of Appeals granted the motion, citing Republic of the Philippines v. Westinghouse Elec. Corp., 949 F.2d 653 (3d Cir. 1991).

THOMAS W. CORBETT, JR.
Attorney General of Pennsylvania

By: s/ John O. J. Shellenberger

John O. J. Shellenberger
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Attorney for Defendants

CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that the Supplement to Defendants' Motion for Stay Pending Appeal has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I further certify that a true and correct copy of the Supplement to Defendants' Motion for Stay Pending Appeal was mailed on May 11, 2007, by first class mail, postage prepaid to:

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